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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,448	10/29/2003	Guy Cohen	P-5487-US	4558
27130	7590	08/20/2004	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			MAI, SON LUU	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,448

Applicant(s)

COHEN, GUY

Examiner

Son L. Mai

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003 and 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 20 and 26-31 is/are allowed.
- 6) ☒ Claim(s) 23-25, 32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 14-19, 21, 22 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The papers filed 10-29-03 and 03-17-04 have been received. The Declaration is approved.

Specification

2. The disclosure is objected to because of the following informalities: On page 7, line 5 of paragraph [0026], a word "be" should be added after "may".
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claim 14, "calculating a correlation..." has no support. In claim 22, "an effective gate voltage..." has no support. And in claim 33, "the group consisting of Nitride read Only Memory ("NROM"),..." has no support.
4. Claims 15-19, 21, 23-25 are objected to for depending on claim 14.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 23 recites the limitation "said adapting" in line 1. There is insufficient antecedent basis for this limitation in the claim. Should the claim depend on claim 22?
7. Claims 24 and 25 are rejected for depending on the rejected claim 23.
8. Claim 32 recites the limitation "the first reference voltage" in line 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 34 recites the limitation "the error detection rates" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 35 recites the limitation "the selected reference values" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

11. Claims 1-13, 20, 26-31 are allowed.

12. Claims 14-19, 21-22, and 33 are objected to as failing to provide proper antecedent basis for the claimed subject matter.

13. Claims 23-25, 32, 34 and 35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest at least a method of selecting a reference level from a set of possible reference levels, comprising: determining a read error rate for each one of possible reference levels associated with the reading of the set of cells; and selecting a reference level from the set of possible reference levels whose read error rate is relatively low.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takano (U.S. Patent 6639837), Cernea (U.S. Patent 6044019),


Hollmer (U.S. Patent 5828601), Campardo (U.S. Patent 5805500), and Auclair (U.S. Patent 5657332) disclose methods and systems for correcting read errors using reference cells in non-volatile memory devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son L. Mai whose telephone number is 571-272-1786. The examiner can normally be reached on 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08-17-04


Son L. Mai
Primary Examiner
Art Unit 2818